<u>REMARKS</u>

This amendment responds to the office action mailed June 28, 2002. In the office action the Examiner:

• rejected claims 1-22 under 35 U.S.C. 102 and 103 as being unpatentable over the teachings of Kim "WebData.com Debuts Online Shopping Price Comparisons" (hereinafter "Kim") in view of USP 5,710,887 to Chelliah et al. (hereinafter "Chelliah")

With this amendment, Applicants have canceled, without prejudice, claim 22. Applicants reserve the right to prosecute claim 22 in a continuation application. After entry of this amendment, the pending claims are: claims 1-21.

<u>Claim Amendments</u>

With this amendment, Applicants have amended claims 1, 18, and 21 to recite the simultaneous provision of product information. Support for this amendment is found throughout the specification, including, for example, Fig. 14, as well as page 24, lines 18-22. In addition, amendments were made to claims 4, 6, 9, 12, 14, and 15 to recite Applicants' invention with greater clarity. No new matter has been added.

<u>The Rejections under 35 U.S.C. § 103 should be withdrawn</u>

In the office action dated November 8, 2001, the Examiner rejected all pending claims under 35 U.S.C. § 103 as being unpatentable over Kim. In Applicants' April 8, 2002 office action response, Applicants pointed out that Kim states "[s]till, the 'WebData 4D Shopping' interface doesn't do all the work for you. Although it conveniently brings up the appropriate shopping cart page when you click on each vendor's logo, it doesn't present price comparisons side-by-side or specify which site offers the best price."

In contrast to Kim, amended claim 1 recites "when the product information includes product information for at least two sources of the plurality of sources, simultaneously

providing the product information for the at least two sources of the plurality of sources." Thus, amended claim 1 recites the simultaneous provision of product information for at least two sources. With the present amendment, claims 18 and 21 have also been amended to recite the limitation of simultaneously providing product information for at least two sources.

In the office action dated June 28, 2002, the Examiner rejected all pending claims under 35 U.S.C. § 103 as being unpatentable over Kim in view of Chelliah. In the June 28, 2002 office action, the Examiner states that "Kim does not teach if the product information include product information for at least two sources of the plurality of sources, providing the product information for the at least two sources of the plurality of sources." However, the Examiner contends that Chelliah teaches disclosure of product information for at least two sources as well as the provision of product information for the at least two sources. The Examiner asserts that it would have been obvious to use this limitation for the advantage of having a backup source already on the screen should the original source lack inventory or be undesirable for any reason. Applicants respectfully traverse the rejection.

To reject claims in an application under 35 U.S.C. § 103, the PTO bears the initial burden of establishing a prima facie case of obviousness. *In re Bell*, 26 USPQ2d 1529, 1530 (Fed. Cir. 1993). In order to establish prima facie obviousness, three basic criteria must be met. First, the prior art must provide one of ordinary skill in the art with a suggestion or motivation to modify or combine the teachings of the references relied upon by the PTO to arrive at the claimed invention. *WMS Gaming Inc. v. International Game Technology*, 51 USPQ2d 1385, 1397 (Fed. Cir. 1999). Second, the prior art must provide one of ordinary skill in the art with a

reasonable expectation of success. See *In re O'Farrell*, 7
USPQ2d 1673 (Fed. Cir. 1988); *In re Dow Chemical Co.*, 5 USPQ2d
1529, 1531 (Fed. Cir. 1988). Third, the prior art, either
alone or in combination, must teach or suggest each and every
limitation of the rejected claims. See *In re Vaeck*, 20 USPQ2d
1438 (Fed. Cir. 1991); *In re Royka and Martin* 180 USPQ 580
(C.C.P.A. 1974); and *In re Wilson* 165 USPQ 494 (C.C.P.A.
1970). The teaching or suggestion to make the claimed
invention, as well as the reasonable expectation of success,
must come from the prior art, not Applicants' disclosure. *In
re Vaeck*, *Id*. If any one of these criteria are not met, prima
facie obviousness is not established.

In the present instance, one relevant inquiry is whether
the cited art, either alone or in combination, teaches each
and every limitation of the rejected claims. Another relevant
inquiry is whether the prior art provides one of ordinary
skill in the art with a suggestion or motivation to modify or
combine the teachings of the references relied upon by the PTO
to arrive at the claimed invention. As discussed in detail
below, the cited art fails to satisfy either of these
requirements. Therefore, the rejection should be withdrawn.

Contrary to the Examiner's assertions, Chelliah does not
teach or suggest disclosure of product information for at
least two sources as well as the provision of product
information for the at least two sources. The Examiner refers
to 3:19-29, Fig. 2, elements 12, 114, 120, and 27:51-59 of
Chelliah to support the contention that Chelliah teaches or
suggests such a limitation. Each of these sections of
Chelliah will be addressed in turn.

First, 3:19-29 of Chelliah merely states that at least
one supplier (store) may be displayed for selection of the
customer. This concept is illustrated in Figure 1 of
Chelliah, where numerous electronic storefronts 14 are
illustrated. The customer is provided with the opportunity to

select from one of the storefronts 14. When the user picks a storefront 14, an Internal Commerce Subsystems 16 is invoked by the storefront 14 to represent the store's interaction with the customer. See Chelliah 6:26-44. Importantly, 3:19-29, in conjunction with Fig. 1, which illustrates 3:19-29, does not teach or suggest displaying products of each storefront 14 *before* a user selects a particular storefront 14.

Second, Fig. 2, elements 12, 114, 120 of Chelliah do not teach or suggest the simultaneous provision of product information for at least two sources as recited in independent claims 1, 18 and 21. First, element 12 is merely a customer. Second, Chelliah 10:44-45 states that the Sales Representative Program Object 114 is analogous to a sales representative <u>in a store</u>. Third, Pricing Engine 120 is merely responsive to function calls from Sales Representative Program Object 114. Further, Chelliah states that Pricing Engine 120 is a program object that provides information about the price of a set of items selected for purchase. See Chelliah 11:11-14.

Finally, 27:51-59 of Chelliah is addressed. This portion of Chelliah reads:

> b. Sales Representative Program Object for Multiple Stores
> Similarly, the above description focuses on a Sales Representative Program Object associated with a single supplier of items such as a store. It is, however, possible that a Sales Representative Program Object can be created to "attend" to a customer interacting with a number of suppliers. In this embodiment, the Sales Representative Program Object can maintain a list of all items selected by the customer as well as a reference to the supplier of each item.

This section suggests that a Sales Representative Program Object 114 can have a "shopping cart" functionality across multiple stores. That is, as the user goes from one electronic storefront 14 to another, the same Sales

Representative Program Object 114 can be used to track which items a customer wants to purchase. The passage does not, however, teach or suggest that the Sales Representative Program Object 114 will simultaneously provide product information for at least two sources as recited in independent claims 1, 18, and 21. If the Sales Representative Program Object 114 simultaneously provided product information from multiple suppliers, than there would be no point to the plurality of electronic storefronts 14, illustrated in Figure 1 of Chelliah, and recited in each independent claim of Chelliah (e.g., Chelliah claim 1, "a. means for causing at least one supplier to be represented on the display for selection by the customer using input means"). Thus, contrary to the Examiner's contention, Chelliah does not teach or suggest the simultaneous provision of product information for at least two sources as recited in independent claims 1, 18, and 21.

Even if Chelliah did teach or suggest the simultaneous provision of product information for at least two sources, there is no motivation in the prior art to combine Chelliah and Kim. Chelliah is directed to an electronic mall, as illustrated in Figure 1 of the reference. Kim, on the other hand, discusses an electronic search engine that can be used to perform a price comparison. Chelliah contains no suggestion of combining the electronic mall with a search engine. Kim's electronic search engine produces results that contain links for directly linking to web pages, which makes the electronic mall of Chelliah unneeded (or superfluous) in the context of Kim. Combination of such unrelated references can only be found with the impermissible hindsight of Applicants' specification.

Finally, the Examiner states that it would have been obvious to one of ordinary skill in the art to use the features of Chelliah for the advantage of having a backup

source already on the screen should the original source lack inventory or be undesirable for any reason. Applicants' response is two-fold. First, Applicants contend that Chelliah does not teach the feature of simultaneous display of product information from multiple vendors. Second, Applicants respectfully submit that, as a matter of law, the Examiner has not made a prima facie case for obviousness. To reject claims in an application under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a prima facie case of obviousness. As discussed above, in order to establish prima facie obviousness, the *prior art*, not the Examiner, must provide one of ordinary skill in the art with a suggestion or motivation to modify or combine the teachings of the references relied upon by the PTO to arrive at the claimed invention. The Examiner has not cited anything within Kim or Chelliah, or within any other prior art document, that states or otherwise established that it would be desirable to modify Kim or Chelliah such that a backup product source would be available on the screen. This would appear to be the Examiner's own idea, which however clever, does not originate from within the prior art of record.

Claims 2 through 17 are dependent upon claim 1 and claims 19 and 20 are dependent upon claim 18. Thus, these claims are patentable over any combination of Kim and Chelliah for at least the same reasons that Claims 1 and 18 are patentable over the combination of Kim and Chelliah.
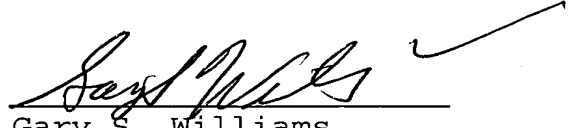
In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider

this application with a view towards allowance.   The Examiner
is invited to call the undersigned attorney if a telephone
call could help resolve any remaining items.

Respectfully submitted,

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EXHIBIT A

MARKED VERSION OF THE CLAIMS

1. (Twice Amended) A method of providing information about a product, the product available for purchase from a plurality of sources, the method comprising:

    receiving a selection of a product category from a predefined set of product categories using information about the product;

    accessing a list of extraction parameters for the product category;

    receiving a selection of at least one extraction parameter in the list of extraction parameters;

    for each of the plurality of sources,

        creating a corresponding program including identifying a corresponding web site, the corresponding web site selling the product and

        providing a tool for creating the corresponding program to extract data from the web site using the at least one extraction parameter;

    receiving a connection from a client, the connection including a value for the at least one extraction parameter; and

    <u>simultaneously providing</u>, for each of the plurality of sources, [in the product category, providing] product information for the product using the value for the at least one extraction parameter and the corresponding program, including:

        [if] <u>when</u> the product information includes product information for at least two sources of the plurality of sources, <u>simultaneously</u> providing the product information for the at least two sources of the plurality of sources.

4. (Amended) The method of claim 3, [wherein the graphical user interface tool further comprises] <u>further comprising</u>:

    receiving a selection signal;

    applying the extraction pattern to find a matching

        pattern in a document displayed in a source view in the web browser; <u>and</u>

    displaying a rendered version of the matching pattern in a window.

6. (Amended) The method of claim 5, wherein the plurality of predefined extraction patterns <u>includes</u> [include] at least one of an extraction pattern for matching a hyperlink, an extraction pattern for matching a form, and an extraction pattern for matching a price.

9. (Amended) The method of claim 8, wherein the defining the plurality of steps comprises, for each of the plurality of

steps, receiving a selection of an extraction command from a predetermined list of extraction commands.

12. (Amended) The method of claim 9, wherein at least one step in the plurality of steps includes a test condition comprising a logical test for at least one corresponding argument and a first step in the plurality of steps, and wherein the program continues executing at the first step [if] when the logical test is satisfied.

14. (Amended) The method of claim 12, wherein the test condition further comprises a result code, wherein the program returns an error when [if] the result code is a web site changed result code.

15. (Amended) The method of claim 12, wherein the test condition further comprises a result code, wherein the program returns an error when [if] the result code is a no matching products result code.

18. (Twice Amended) An apparatus for providing information about a product, the product available for purchase from a plurality of sources, the apparatus comprising:
    means for receiving a selection of a product category from a predefined set of product categories using information about the product;
    means for accessing a list of extraction parameters for the product category;
    means for receiving a selection of at least one extraction parameter in the list of extraction parameters;
    means for creating a corresponding program for each of the plurality of sources, the means for creating a corresponding program for each of the plurality of sources including:
        means for identifying a corresponding web site, the corresponding web site selling the product, and
        means for creating the corresponding program to extract data from the web site using the at least one extraction parameter;
    means for receiving a connection from a client, the connection including a value for the at least one extraction parameter; and
    means for simultaneously providing product information for the product from each of the plurality of sources using the value for the at least one extraction parameter and the corresponding program, wherein [if] when the product information includes product information for at least two sources of the plurality of sources, the means for providing product information simultaneously provides the product information for the at least two sources of the plurality of sources.

21. (Twice Amended) A computer data signal embodied in a carrier wave comprising:

a computer program for developing a description[s] of data of interest;

a set of instructions for developing an extractor pattern interactively in a web page;

a set of instructions for receiving a selection of an instruction from a predefined set of instructions for inclusion of the instruction in the description of data of interest;

a set of instructions for associating the extractor pattern with the instruction;

a set of instructions for testing the instruction using the extractor pattern and the contents of a buffer; and

a set of instructions for, [if] when product information includes product information for at least two sources from a plurality of sources, simultaneously providing the product information for the at least two sources of the plurality of sources.